

**ORDINANCE No. 5541**

**AN ORDINANCE TO REVISE THE METHOD OF REMOVAL OF JUNK MOTOR VEHICLES FROM PRIVATE PROPERTY BY AMENDING CHAPTER 10.56 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted Section 10.56.060 of the Rapid City Municipal Code to provide a method of notice to be given in the case of junk motor vehicles on private property; and

WHEREAS, the City of Rapid City has adopted Section 10.56.080 of the Rapid City Municipal Code to provide for removal of junk motor vehicles from private property; and

WHEREAS, the City of Rapid City has adopted Section 10.56.090 of the Rapid City Municipal Code to provide a penalty for violations of the provisions of Chapter 10.56; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to amend Sections 10.56.060, 10.56.080 and 10.56.090.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 10.56.060 of the Rapid City Municipal Code be amended as follows:

**10.56.060 Presence on private property–Notice to remove.**

Whenever it comes to the attention of the police department or ordinance enforcement that any person has an abandoned or junk motor vehicle on his property, a notice in writing shall be served by first class mail ~~upon such person~~ to the record owner of the property and such other of the persons referenced in Section 10.56.050 as can be ascertained, ordering the removal of such motor vehicle in the time specified in this chapter. The notice shall be deemed complete upon mailing to the last known address of the ~~addressee~~ record owner. The notice shall contain the request for removal within 15 days after the mailing of such notice, and the notice shall ~~notify~~ state that failure to comply with the notice to remove shall be a violation of this chapter. The recipient of such notice shall have 10 days from the date of mailing to file a notice of appeal of the determination contained therein. The notice of appeal must be in writing and filed with the Building Official. All appeals shall be heard and decided by the International Property Maintenance Board of Appeals or its successor.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.56.080 of the Rapid City Municipal Code be amended as follows:

**10.56.080 Removal by city – Notice to owner.**

**Towing by Removal Agency:** ~~It shall be the duty of t~~ The Police Department or duly authorized ordinance enforcement personnel may abate the nuisance by causing the motor vehicle to be towed from the property by a removal agency. The Police Department or ordinance enforcement personnel shall then ~~to~~ notify, by first class mail, the registered owner, and if encumbered, the lienholder, of the removal, storage and present location of any motor vehicle removed under the provisions of this chapter and that the vehicle can be recovered by payment of costs incident to its removal and storage.

**Disposal:** Additionally, Alternatively, the Police Department or duly authorized ordinance enforcement personnel may abate the nuisance by removing the junk motor vehicle or parts thereof and disposing of them.

The city may defray the cost of abating the public nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 10.56.090 of the Rapid City Municipal Code be amended as follows:

**10.56.090 Violation–Penalty.**

In addition to the abatement remedies provided in this chapter, any person violating any provision of this chapter shall be ~~guilty of a misdemeanor, and upon conviction shall be subject to a penalty not to exceed 30 days imprisonment or a fine of \$100 or both~~ subject to the general penalty provision as set forth in § 1.12.010 of the Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(seal)

First Reading:  
Second Reading:  
Published:  
Effective: